



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,466	09/28/2001	Hirofumi Shimuzu	214592US2S	1772

22850 7590 01/05/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHANG, KENT WU

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 01/05/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,466

Applicant(s)

SHIMUZU, HIROFUMI

Examiner

Kent Chang

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4/1, 4/3, 5, 7, 8/5, 8/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US Patent No. 6,141,568).

Consider claims 1 and 5. Sakaguchi discloses a communication terminal apparatus (radio telephone) capable of receiving information from a communication system network, comprising: receiving means for receiving information from the network; a display configured to display information; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means (the processor); display control means for causing the display to display information received by the receiving means, when the detector has detected the completion of the information reception. Sakaguchi also teaches "when the portable radio apparatus is kept without being used, when it is ready for receiving or transmitting a radio signal, and when the user does not look at the image display section. Thus, it is desirable that a backlight is turned off by means of turning-off means in the above cases so as to save the power of the battery. It is more

desirable that the use state information is not displayed to save the battery power while the information is unnecessary” (see column 1 lines 23-49). This clearly suggested to turn on the backlight in other use state, such as at the time period after completion of the receiving or transmitting (during this time period, the user would need to look at the image display, and Sakaguchi clearly teaches to turn on the backlight in this state). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to automatically turn on the backlight of the display device after completion of the transmission without user’s operation so as to accomplish a user-friendly operation since it has been generally been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. In *re Venner*, 120 USPQ 193 (CCPA 1958).

Consider claims 3 and 7. Sakaguchi discloses a communication terminal apparatus (radio telephone) capable of receiving information from a communication system network, comprising: receiving means for receiving information from the network; a display configured to display information; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means (the processor); display control means for causing the display to display information received by the receiving means, when the detector has detected the completion of the information reception. Sakaguchi also teaches “when the portable radio apparatus is kept without being used, when it is ready for receiving or transmitting a radio signal, and when the user does not look at the image display section. Thus, it is desirable that a backlight is turned off by means of turning-off

means in the above cases so as to save the power of the battery. It is more desirable that the use state information is not displayed to save the battery power while the information is unnecessary" (see column 1 lines 23-49). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to turn on the backlight of the display device after completion of the transmission so as to enable the user to see the received information. Furthermore, it would have been obvious for one of ordinary skill in the art at the time of the invention to only turn on the backlight within a predetermined time period in which the user is using (or waiting to use) the device so as to further save power by not turning on the backlight after a long time period and the user is no longer interesting in reading the received information.

Consider claims 4/1, 4/3, 8/5, and 8/7. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a beep sound to inform the user of the completion of the information reception so as to provide a user friendly device.

3. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US Patent No. 6,141,568) in view of Yoshinori (JP 9-252342).

Sakaguchi discloses a communication terminal apparatus (radio telephone) capable of receiving information from a communication system network, comprising: receiving means for receiving information from the network; a display configured to display information; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means (the

processor); display control means for causing the display to display information received by the receiving means, when the detector has detected the completion of the information reception. Sakaguchi also teaches "when the portable radio apparatus is kept without being used, when it is ready for receiving or transmitting a radio signal, and when the user does not look at the image display section. Thus, it is desirable that a backlight is turned off by means of turning-off means in the above cases so as to save the power of the battery. It is more desirable that the use state information is not displayed to save the battery power while the information is unnecessary" (see column 1 lines 23-49). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to turn on the backlight of the display device after completion of the transmission so as to enable the user to see the received information. Sakaguchi is silent in using a luminous level detector.

However, Yoshinori teaches to use a light detector for detecting the surrounding brightness level of a display device and turn off the display when the surrounding brightness level is high. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use a light detector for detecting the surrounding brightness level of a display device and turn off backlight of the display when the surrounding brightness level is high as taught by Yoshinori in the device of Sakaguchi so as to save power.

Consider claims 4/2 and 8/6. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a beep sound to inform the user of the completion of the information reception so as to provide a user-friendly device.

Response to Arguments

4. Applicant's arguments filed 11/13/03 have been fully considered but they are not persuasive.

Claims 1, 3-5, 7, 8 are rejected over Sakaguchi (US Patent No. 6,141,568), and claims 2 and 6 are rejected over Sakaguchi (US Patent No. 6,141,568) in view of Yoshinori (JP 9-252342). The reference of Yoshinori are added to the preamble of the rejection of claims 2 and 6 (paragraph 3) in order to correct a typographical error. No change has been made to the rejections of claims 1-8 from the previous office action.

Applicant mainly argues that the Sakaguchi reference does not teach to turn on the power of the backlight without a user's operation. However, Sakaguchi teaches "when the portable radio apparatus is kept without being used, when it is ready for receiving or transmitting a radio signal, and when the user does not look at the image display section. Thus, it is desirable that a backlight is turned off by means of turning-off means in the above cases so as to save the power of the battery. It is more desirable that the use state information is not displayed to save the battery power while the information is unnecessary" (see column 1 lines 23-49). This clearly suggested to turn on the backlight in other use state, such as at the time period after completion of the receiving or transmitting (during this time period, the user would need

Art Unit: 2673

to look at the image display, and Sakaguchi clearly teaches to turn on the backlight in this state). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to automatically turn on the backlight of the display device after completion of the transmission without user's operation so as to accomplish a user-friendly operation since it has been generally been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. In *re Venner*, 120 USPQ 193 (CCPA 1958).

Furthermore, it has been well known in the art to turn off a display while it is not in use and automatically turn it on at the time the user needs to use it, such as taught by Park (US Patent No. 6,418,536) and Tsirkel et al (US Patent No. 6,665,805), so as to save power and provide a user-friendly device.

The device of Sakaguchi as modified inherently includes the illumination control means so as to turn on the backlight.

The remainder of the pertinent topics for argument are present in the appropriate rejections above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 703-305-4824. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 703-305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2673

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 305-9700.



Kent Chang
Primary Examiner
Art Unit 2673

Kc

12/29/03